

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

**PETITION OF ENVIROPOWER OF INDIANA,
LLC SULLIVAN COUNTY PLANT FOR: (A) A
DETERMINATION OF THE COMMISSION'S)
JURISDICTION WITH RESPECT TO A)
NOMINAL 550 MW POWER GENERATING)
FACILITY; (B) FOR DECLINATION OF THE)
COMMISSION'S JURISDICTION OVER THE)
CONSTRUCTION OWNERSHIP,)
OPERATION AND FINANCING OF THE)
FACILITY PURSUANT TO IND. CODE)
8-1-2.5; AND (C) TO THE EXTENT THE)
COMMISSION DOES NOT DECLINE ITS)
JURISDICTION, SUCH APPROVALS AND)
AUTHORIZATIONS ARE NECESSARY TO)
CONSTRUCT, OWN, AND OPERATE THE)
FACILITY, INCLUDING ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY UNDER IND. CODE 8-1-8.5.)**

FILED

FEB 03 2003

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 41932

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") made the following entry in this Cause:

On February 8, 2001, Enviropower of Indiana, LLC, ("Petitioner" or "Enviropower") filed a petition with the Commission instituting this Cause. The Petitioner has requested, and has been granted, several extensions in the procedural schedule in this Cause in order to obtain a final copy of an interconnection study that is being prepared by Cinergy, Inc. An Evidentiary Hearing is not currently scheduled in this matter.

Pursuant to 170 IAC 1-1.1-24, "[t]he commission may, in its discretion, dismiss any proceeding that has been pending upon the commission docket for six (6) months that is not currently set for hearing and upon which action has not been taken by any party. Prior to such dismissal, the commission shall notify all parties to the proceeding by United States mail of its intention to dismiss. Notice shall be served at least ten (10) days prior to the entry of dismissal.

In accordance with the provisions set forth in 170 IAC 1-1.1-24, this constitutes formal notice that, as this matter has been pending without activity upon the Commission docket for six (6) months and is not currently set for hearing, the Commission may take action to dismiss this Cause within ten (10) days.

IT IS SO ORDERED.

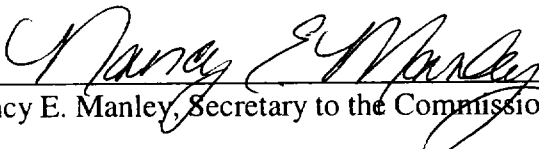


David W. Hadley, Commissioner



Scott R. Storms, Chief Administrative Law Judge

Date: 2/3/03



Nancy E. Manley, Secretary to the Commission